

Not Recommended for Publication or Citation

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY
CENTRAL DIVISION at LEXINGTON

CIVIL ACTION NO. 5:09-MC-112-KSF

JONATHAN LEE RICHES
a/k/a JASON TROWBRIDGE

PLAINTIFF

VS: **MEMORANDUM OPINION AND ORDER**

X-MEN INC., et al.

DEFENDANTS

*** **

Jonathan Lee Riches, an individual incarcerated in the Federal Medical Center (“FMC”) in Lexington, Kentucky, has submitted a *pro se*, one-page document styled as above, with his name as Plaintiff and a number of listed Defendants, some fanciful and others appearing to be real people. Although the would-be Petitioner has written that he is challenging the execution of his sentence, the rest of his allegations all go to complaints about the conditions of confinement to which he is being subjected.

The Court construes the initial pleading herein as a complaint designed to initiate a civil action, under 28 U.S.C. § 1331 and pursuant to the doctrine announced in *Bivens v. Six Unknown Federal Narcotics Agents*, 403 U.S. 388 (1971), such as other matters this prolific litigant has initiated in this court and other courts across the United States. *Inter alia*, in this complaint, Riches complains that a number of these Defendants are Washington lobbyists attempting to torture him, some are threatening him, and “wolverine has been taking my lunch trays.”

For a description of this prisoner's litigation history, see *Riches v. Garese*, 08-CV-086-HRW, wherein this Court noted that "Riches has now filed a total of 1,825 civil cases and brought 197 civil appeals." Record No. 3. In that case, dismissed under the provisions of Title 18, United States Code, Section 1915(g), the Court characterized Riches as being not merely a frequent litigant but an abuser of the judicial system, and Plaintiff was admonished that abusers of the judicial system are "not entitled to sue and appeal without paying the normal filing fees--indeed, *are not entitled to sue and appeal period.*" *Id.* (citing *Free v. United States of America*, 879 F.2d 1535, 1536 (7th Cir. 1989) (emphasis added); and *Tripati v. Beaman*, 878 F.2d 351, 353 (10th Cir. 1989)).

In the conclusion of Case No. 08-086-HRW, the court dismissed the action and directed that Riches not file any future lawsuits in this Court unless certain conditions were met. Nonetheless, he has presented the one-page pleading herein, without having satisfied those conditions. Therefore, having considered the matter yet again, **IT IS ORDERED** as follows:

(1) Jonathan Lee Riches' initial pleading herein [Record No. 1] is **CONSTRUED** as a civil Complaint pursuant to 28 U.S.C. § 1331 and *Bivens v. Six Unknown Federal Narcotics Agents*, and it will be **DISMISSED** for failure to state a claim upon which the Court may grant relief, as it is delusional and vexatious.

(2) Riches is **DENIED** permission to proceed herein as a pauper. 28 U.S.C. § 1915(g).

(3) Plaintiff Jonathan Lee Riches is **ENJOINED** from filing any future civil actions in the United States District Court for the Eastern District of Kentucky, **UNLESS** he submits a Complaint, which is accompanied by *all* of the following: (a) the District Court filing fee *or* a Motion to Proceed *in forma pauperis*, in which he alleges that he is under imminent danger of

serious physical injury; and (b) a copy of this Memorandum Opinion and Order; and also (c) a Motion for the Court's permission to initiate another civil action.

(4) The Clerk of the Court is directed that should Jonathan Lee Riches present a complaint, letter or other construed initiating document without the district court filing fee or should Jonathan Lee Riches present a complaint or other initiating document without both a Motion to proceed *in forma pauperis* (with forms AO 240 and EDKy 523) *and also* a Motion for the Court's permission to initiate another civil action, the Clerk shall return the tendered documents to Riches. If Jonathan Lee Riches' complaint is presented with the district court filing fee or with both a Motion to proceed *in forma pauperis* (EDKy 519) *and also* a Motion for the Court's permission to bring another action, then and only then may his purported pleading be filed in docket of this Court.

This 14th day of April, 2009.



Signed By:

Karl S. Forester K S F

United States Senior Judge